

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

FUBOTV INC., and FUBOTV MEDIA INC.,

Plaintiffs,

- against -

THE WALT DISNEY COMPANY, ESPN,
INC., ESPN ENTERPRISES, INC., HULU,
LLC, FOX CORPORATION, and WARNER
BROS. DISCOVERY, INC.,

Defendants.

Case No. 1:24-cv-01363 (MMG)

**DEFENDANT WARNER BROS. DISCOVERY INC.'S
NOTICE OF MOTION TO DISMISS FUBO TV'S AMENDED COMPLAINT**

PLEASE TAKE NOTICE that upon the accompany Memorandum of Law in Support of Defendant Warner Bros. Discovery Inc.'s ("**WBD**") Motion to Dismiss Fubo TV's Amended Complaint (ECF No. 145), WBD hereby moves this Court for an Order dismissing the Ninth and Fourteenth Causes of Action of Plaintiffs' Complaint in their entirety and with prejudice pursuant to Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6), and for such other and further relief as the Court deems just and appropriate. At a minimum, should the claim not be dismissed in its entirety, WBD requests that the Court dismiss any claims for damages under the Ninth and Fourteenth Causes of Action of Plaintiffs' Amended Complaint except for those that were allegedly incurred between February 21, 2020 and June 30, 2020.

Dated: September 26, 2024
New York, NY

Respectfully submitted,

/s/ David L. Yohai

WEIL, GOTSHAL & MANGES LLP

David L. Yohai
Adam C. Hemlock
Theodore E. Tsekerides
Robert W. Taylor
Elaina K. Aquila
767 Fifth Avenue
New York, New York 10153
Telephone: (212) 310-8000
Facsimile: (212) 310-8007
david.yohai@weil.com
adam.hemlock@weil.com
theodore.tsekerides@weil.com
robert.taylor@weil.com
elaina.aquila@weil.com

Counsel for Warner Bros. Discovery Inc.